

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:

BAXLEY CORPORATION, LLC

**CASE NO. 22-00397-5-DMW
CHAPTER 7**

DEBTOR.

MOTION TO EXTEND STAY

NOW COMES, Baxley Leasing, LLC, and Martha Ginger Baxley (collectively “Movants”), by and through counsel, and respectfully moves this Court for an Order extending the automatic stay to protect equity of certain equipment and vehicles for the benefit of the Debtor’s estate. In support of this, Movants state to the Court:

1. On February 23, 2022, Baxley Corporation LLC (“Corp”) filed a petition for relief under Chapter 7 of the Bankruptcy Code (the “Petition Date”) and James B. Angell is the duly appointed Chapter 7 Trustee.

2. On March 9, 2022, the Trustee file an Adversary Proceeding asserting that the Debtor was an alter ego of the Debtor.

3. On May 25, 2022, the Trustee filed a Motion to Approve Compromise and Settlement with Baxley Leasing, LLC and Baxley Construction Co., Inc., Pursuant to Fed. R. Bankr. P. 9019 [DE-205].

4. The Order Granting Trustee’s Motion to Approve Compromise was entered on June 28, 2022 [DE-237].

5. The Settlement, among other things, involved Baxley Leasing providing a promissory note in the amount of \$249,461.37 payable to the Debtor’s Estate and secured by certain equipment and vehicles owned or to be acquired by Baxley Leasing, LLC. The list of this “Equipment and Vehicles” is attached as **Exhibit A** and incorporated by reference.

6. Upon information and belief, the following creditors hold a security interest in certain of the Equipment and Vehicles:

- GM Financial
- Citizen One Bank
- US Bank
- Leaf Capital
- Huntington Bank
- Kubota Credit Corporation
- Marlin Leasing Corporation
- Tri City Automotive

7. In essence, Baxley Leasing was buying the equity of the Equipment and Vehicles from the Trustee for the benefit of the Debtor's Estate.

8. To protect this interest, it was agreed that Movants with the support of the Trustee would move the Bankruptcy Court to extend the Automatic Stay.

9. The automatic stay provided by 11 U.S.C. § 362(a)(3) is designed to stop "any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate"

10. Here, the Equipment and Vehicles are owned by Baxley Leasing and the equity is property of the Debtor's Estate pursuant to the security agreement provided under the settlement agreement.

11. Creditors are protected because in the event of default by Baxley Leasing, Baxley Leasing is required to turn the property over to the Trustee and the Trustee is authorized to sell the property, paying any liens senior to the Estate from the proceeds.

12. Accordingly, Movants with the support of the Trustee ask this Court for an Order extending the Automatic Stay to the Equipment and Vehicles.

WHEREFORE, Baxley Leasing, LLC, and Martha Ginger Baxley, joined by the Trustee, respectfully move the Court to extend the Automatic Stay to the Equipment and Vehicles listed in Exhibit A.

Respectfully submitted, this the 9th day of August 2022.

EVERETT GASKINS HANCOCK LLP

/s/ William H. Kroll

William H. Kroll

N.C. State Bar No. 39149

PO Box 911

Raleigh, NC 27602

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*Counsel for Baxley Leasing, LLC and
Martha Virginia Baxley*

EXHIBIT A - MOTION TO EXTEND STAY

YEAR	MAKE/MODEL	CATEGO	VIN/SERIAL	Release Amount/Notes	
2013	International	Truck	1HTMMAAM6DH105147	35% in excess of \$13,000	
2018	Chevrolet HD2500	Truck	1GC2KUEG0JZ289104	\$ 7,259.32	plus 35% of sales price - \$7,259.32 - Senior Obligations
2013	International 4300 Durastar	Truck	1HTMMAAN8DH357894	\$ 12,000.00	plus 35% of sales price - \$12,000 - Senior Obligations
2017	Kaufman FDWT-	Trailer	5VGFD2220HL005994	35% in excess of \$4,000	
2017	Takeuchi TL10V-2	Skid Steer	410000757	\$ 16,531.28	plus 35% of sales price - \$16,531.28 - Senior Obligations
2018	Kaufman FDWT-	Trailer	5VGFD2220JL000946	35% in excess of \$4,000	
2016	Takeuchi TL8	Skid Steer	200803510	\$ 20,000.00	plus 35% of sales price - \$20,000 - Senior Obligations
2018	Kaufman FDWT-7K-22D	Trailer	5VGFD222??L005968	\$ 3,500.00	plus 35% of sales price - \$3,500 - Senior Obligations
2018	Kubota SVL75-2	Skid Steer	37863	\$ 1,495.21	plus 35% of sales price - \$1,495.21 - Senior Obligations
2013	International 4300 Durastar	Truck	1HTMMAAN2DH357891	\$ 12,000.00	plus 35% of sales price - \$12,000 - Senior Obligations
2019	Kaufman FEN-3.5K-6X12D	Trailer	5VGEN1216KL004883	\$ 2,500.00	plus 35% of sales price - \$2,500 - Senior Obligations
2021	Chevrolet HD 3500	Truck	1GB4YSEY7MF174868	\$ -	
2021	Chevrolet HD 3500	Truck	1GB4YSEY5MF149046	\$ -	
2018	Chevrolet HD 3500	Truck	1GB4KYCY6JF180339	\$ 3,737.95	plus 35% of sales price - \$3,737.95 - Senior Obligations
2017	GMC Sierra 1500	Truck	1GTN1LEC2HZ904530	\$ 8,500.00	plus 35% of sales price - \$8,500 - Senior Obligations
2020	Chevrolet HD	Truck	1GB4YSEY5LF252255		
2019	Crafco (By Ergon) Patcher II	Equipment	1C9TP1225K1418073	\$ 35,000.00	plus 35% of sales price - \$35,000 - Senior Obligations
2017	GMC Sierra 1500	Truck	1GTN1LEC4HZ904531	\$ 9,500.00	plus 35% of sales price - \$9,500 - Senior Obligations

2019	Kaufman FEN-3.5K-6X12D	Trailer	5VGEN1218KL004884	\$ 2,500.00	plus 35% of sales price - \$2,500 - Senior Obligations
2013	International 4300 Durastar	Truck	1HTMMAAM6DH102443	\$ 12,000.00	plus 35% of sales price - \$12,000 - Senior Obligations
2019	Chevrolet HD2500	Truck	1GC1KREY5KF103352	\$ 10,260.75	plus 35% of sales price - \$10,260.75 - Senior Obligations
2016	Ram 2500	Truck	3C6UR5HL4GG211296	\$ 9,295.93	plus 35% of sales price - \$9,295.93 - Senior Obligations
2018	Chevrolet HD2500	Truck	1GC1KUEY4JF221054	\$ 3,769.53	plus 35% of sales price - \$3,769.53 - Senior Obligations
NA	Thompson pump	Equipment	PU06785	\$ 4,000.00	plus 35% of sales price - \$4,000 - Senior Obligations
2013	Doosan DX300LC-	Equipment			
	Deere 550K LGP dozer	Equipment		\$ 50,000.00	plus 35% of sales price - \$50,000 - Senior Obligations
	(3) steel sheet panels	Equipment		\$ 300.00	plus 35% of sales price - \$300 - Senior Obligations
2016	Ram 2500	Truck		\$ 5,311.40	plus 35% of sales price - \$5,311.40 - Senior Obligations
2001	Food Truck	Truck	food truck prep kitchen	\$ 20,000.00	plus 35% of sales price - \$20,000 - Senior Obligations
2010	BMW	Car		35% in excess of \$2,500	

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:

**BAXLEY CORPORATION, LLC

DEBTOR.**

**CASE NO. 22-00397-5-DMW
CHAPTER 7**

NOTICE OF MOTION TO EXTEND STAY

NOTICE IS HEREBY GIVEN that Baxley Leasing, LLC, and Martha Baxley, with the support of the Chapter 7 Trustee, filed a **Motion to Extend Stay** on August 9, 2022, to protect the equity in certain Equipment and Vehicles that is property of the Debtor's Estate pursuant to the security agreement provided under a settlement agreement.

FURTHER NOTICE IS HEREBY GIVEN that this Motion may be allowed provided no response and request for a hearing is made by a party in interest in writing to the Clerk of this Court on or before **14 days** from the date of this Notice.

This 9th day of August 2022.

s/William H. Kroll
WILLIAM H. KROLL
N.C. State Bar No. 39149
EVERETT GASKINS HANCOCK LLP
220 Fayetteville Street, Suite 300
P.O. Box 911 Raleigh, NC 27602
Email: bill@eghlaw.com
Phone: (919) 755-0025
Fax: (919) 755-0009

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing **Motion to Extend Stay and Notice** was electronically filed through CM/ECF or served via the U.S. postal service, postage prepaid, to the parties attached as **Exhibit 1** and listed below, as noted:

Via CM/ECF:

Bankruptcy Administrator

James B. Angell
Howard Stallings, From, Atkins,
Angell & Davis, P.A.
Chapter 7 Trustee

Via U.S. postal service, postage prepaid:

GM Financial
Attn: Manager, Agent, Officer
4141 Parklake Ave #100
Raleigh, NC 27612

Citizen One Bank
Attn: Manager, Agent, Officer
One Citizens Bank Way, JCA110
Johnston, RI 02919

US Bank
Attn: Manager, Agent, Officer
800 Nicollet Mall
Minneapolis, MN 55402

Leaf Capital
Attn: Manager, Agent, Officer
PO Box 5066
Hartford, CT 06102-5066

Huntington Bank
Attn: Manager, Agent, Officer
1111 West San Marnan Drive, Suite
A2 West
Waterloo, IA 50701-8926

Kubota Credit Corporation
Attn: Manager, Agent, Officer
1000 Kubota Dr.
Grapevine, TX 76051

Marlin Leasing Corporation
Attn: Manager, Agent, Officer
300 Fellowship Road
Mount Laurel, NJ 08054

Tri City Automotive
Attn: Manager, Agent, Officer
990 S. Bennett St.
Southern Pines, NC 28387

This the 9th day of August 2022.

/s/ William H. Kroll
William H. Kroll

Label Matrix for local noticing
0417-5
Case 22-00397-5-DMW
Eastern District of North Carolina
Raleigh
Mon Aug 8 14:49:27 EDT 2022

ADP, Inc.
4101 Doie Cope Road
Raleigh, NC 27613-7387

AT&T
11760 US Highway 1
Suite 600
North Palm Beach, FL 33408-3029

AT&T, Inc.
1025 Lenox Park Blvd
Atlanta, GA 30319-5309

AT&T, Inc.
208 S. Akard Street
Suite 2954
Dallas, TX 75202-4206

Apple, Inc.
20705 Valley Green Drive
Cupertino, CA 95014-1703

Baxley Construction Company, Inc.
Attn: Constance A. Baxley, Registered Ag
1190 E. Connecticut Ave
Southern Pines, NC 28387-6747

Baxley Corporation, LLC
Attn: Holmes P. Harden, Trustee
301 Fayetteville Street, Suite 1700
Raleigh, NC 27601-2173

UM/ECF

~~Baxley Leasing, LLC~~
~~Attn: Officer, Agent, or Managing Agent~~
~~1211 Wake Forest Road~~
~~Raleigh, NC 27604-1350~~

(p)CAPITAL ONE
PO BOX 30285
SALT LAKE CITY UT 84130-0285

East Bay Company, Ltd.
c/o Blake Boyette
4700 Six Forks Road
Suite 150
Raleigh, NC 27609-5288

Ellington Digital Forensics
PO Box 1202
Wake Forest, NC 27588-1202

First National Bank of PA
3015 Glimcher Blvd
Hermitage, PA 16148-3343

First National Bank of Pennsylvania
Attn: Officer/Legal Dept.
3015 Glimcher Blvd
Hermitage, PA 16148-3343

Hendren, Redwine & Malone, PLLC
4600 Marriott Dr, Suite 150
Raleigh, NC 27612-3367

(p)JPMORGAN CHASE BANK N A
BANKRUPTCY MAIL INTAKE TEAM
700 KANSAS LANE FLOOR 01
MONROE LA 71203-4774

Kubota Credit Corporation (HNFT)
PO Box 2313
Carol Stream, IL 60132-2313

Manning, Fulton & Skinner, P.A.
3605 Glenwood Avenue
Suite 500
Raleigh, NC 27612-3970

North Carolina Department of Transportation
Attn: Dana Friedrichs, Natalie Carter, o
Transportation Building
1 South Wilmington Street
1501 Mail Service Center
Raleigh, Nc 27699-1500

North Carolina National Guard
Construction and Facility Management
1636 Gold Star Drive
Raleigh, NC 27607-3371

Pinnacle Bank
c/o Alan B. Powell
Roberson Haworth & Reese, PLLC
P.O. Box 1550
High Point, NC 27261-1550

Stripe, Inc.
354 Oyster Point Boulevard
South San Francisco, CA 94080-1912

TD Ameritrade, Inc.
200 S 108th Ave.
Omaha, NE 68154-2631

The Antonelli Law Firm
Attn: Managing Agent
8801 Fast Park Drive, Suite 301
Raleigh, NC 27617-4853

Trouve Lighting, LLC
Attn: Managing Agent
1211 Wake Forest Road
Raleigh, NC 27604-1350

Verizon
180 Washington Valley Road
Bedminster, NJ 07921-2123

~~U. S. Bankruptcy Court~~
~~300 Fayetteville Street, 4th Floor~~
~~P.O. Box 791~~
~~Raleigh, NC 27602-0791~~

ADP Inc.
1851 N. Resier
El Paso, TX 79912-8023

(p)AF GROUP
ATTN GEOFFREY PAVLIC
200 N GRAND AVE
LANSING MI 48933-1228

Airgas USA
2015 Vaughn Road, Bldg 400
Kennesaw, GA 30144-7802

~~Baxley Leasing, LLC~~
Attn: Managing Agent
1211 Wake Forest Road
Raleigh, NC 27604-1350

CCS Equipment Sales, LLC
Attn: Manager or Agent
5428 Hwy 96
Youngsville, NC 27596

CJ Geo Contractors
Attn: Bankruptcy Department
3402 Acorn Street, #202
Williamsburg, VA 23188-1014

Capital One Bank (USA), N.A.
by American InfoSource as agent
PO Box 71083
Charlotte, NC 28272-1083

Carolina Sunrock LLC
Attn: Bankruptcy Department
200 Horizon Drive, Suite 100
Raleigh, NC 27615-4947

Carolina Sunrock LLC
c/o Ethan Fleischer
Bugg & Wolf, PA
411 Andrews Road, Suite 170
Durham, NC 27705-2993

Daniel C. Bruton
Bell Davis & Pitt, PA
PO Box 21029
Winston Salem, NC 27120-1029

Dean's Transmission Service Inc.
Attn: Bankruptcy Department
2181 Skibo Road
Fayetteville, NC 28314-0264

Druml Group, Inc dba Direct Surety
1135 Farragut Blvd
Foster City, CA 94404-3657

Ethan Fleischer
Bugg & Wolf, PA
411 Andrews Road, Suite 170
Durham, NC 27705-2993

George Mason Oliver
PO Box 1548
New Bern, NC 28563-1548

George Mason Oliver
The Law Offices of
Oliver & Cheek, PLLC
PO Box 1548
New Bern, NC 28563-1548

H & E EQUIPMENT SERVICES, INC
7500 PECUE LANE
ATTN: MARY CARDINI
BATON ROUGE, LA 70809-5107

~~Hendren, Redwine & Malone, PLLC~~
Attn: J. Michael Malone
4600 Marriott Drive, Suite 150
Raleigh, NC 27612-3367

(p)HERC RENTALS INC
ATTN: BANKRUPTCY
27500 RIVERVIEW CENTER BLVD 2ND FLOOR
BONITA SPRINGS FL 34134-4328

Hitachi Capital America Corp.
Attn: Officer, Agt, Managing Agt
800 Connecticut Ave.
Norwalk, CT 06854-1738

Holmes P. Harden, Chapter 7 Trustee - B. Bax
George Mason Oliver, Esq.
PO Box 1548
New Bern, NC 28563-1548

Holmes P. Harden, Trustee *cm/ECF*
Williams Mullen
301 Fayetteville Street, Suite 1700
Raleigh, NC 27601-2173

Huntington National Bank
1405 Xenium Lance North (PCC180)
Plymouth, MN 55441-4408

Internal Revenue Service
Attn: Manager or Agent
PO Box 7346
Philadelphia, PA 19101-7346

J&B Septic Service
Attn: Bankruptcy Dept.
2622 Chloe Lane
Creedmoor, NC 27522-7136

Leaf Capital Funding LLC
c/o Legal Department
2005 Market St. 14th Floor
Philadelphia, PA 19103-7009

Less Back Office, LLC
Attn: Managing Agent
160 Wind Chime Court, Suite B
Raleigh, NC 27615-6584

Marlin Capital Solutions
Attn: Bankruptcy Department
300 Fellowship Road
Mount Laurel, NJ 08054-1201

Marlin Capital Solutions
Attn: Bankruptcy Department
PO Box 13604
Philadelphia, PA 19101-3604

~~Marlin Leasing Corporation~~
300 Fellowship Road
Mount Laurel, NJ ~~08054-1727~~

~~Martha Baxley~~
1211 Wake Forest Road
Raleigh, NC 27604-1350

~~Martha Virginia 'Ginger' Baxley~~
1211 Wake Forest Road
Raleigh, NC 27604-1350

Martin Marietta Materials, Inc.
Attn: Bankruptcy Dept
4123 Parklake Avenue
Raleigh, NC 27612-2309

Martin Marietta Materials, Inc.
c/o Benjamin Rachelson, Esq.
Adams and Reese LLP
3424 Peachtree Road, NE, Suite 1600
Atlanta, GA 30326-1139

NC Dept of Commerce
Attn: Sharon A. Johnston
PO Box 25903
Raleigh, NC 27611-5903

NC Dept of Revenue
Attn: A. Fountain
PO Box 1168
Raleigh, NC 27602-1168

NV5 Engineers and Consultants, Inc.
Attn: Bankruptcy Department
3300 Regency Parkway, Suite 100
Cary, NC 27518-8565

(p)NAVIGATOR LLC
PO BOX 1770
RALEIGH NC 27602-1770

North Carolina Dept of Revenue
Attn: Bankruptcy Unit
PO Box 1168
Raleigh, NC 27602-1168

Pinnacle Bank
150 3rd Avenue South Ste 900
Nashville 37201-2034

Puryear Transport, Inc.
c/o Anderson Jones, PLLC
P. O. Box 20248
Raleigh, NC 27619-0248

Qualified Retirement Plan Services
Attn: Managing Agent
2724 Discovery Drive, Suite 100
Raleigh, NC 27616-1940

R.W. Conklin Steel Supply, Inc.
Attn: Bankruptcy Department
10852 Kenwood Road
Cincinnati, OH 45242-2812

Republic Services, Inc.
Attn: Bankruptcy Department
18500 North Allied Way
Phoenix, AZ 85054-3101

Scott Levin, Esq.
McElroy, Deutsch, Mulvaney & Carpenter,
1617 JFK Blvd., Suite 1500
Philadelphia, PA 19103-1815

Secretary of Treasury
Attn: Managing Agent
1500 Pennsylvania Ave NW
Washington, DC 20220-0001

Selective Insurance Company of America
c/o Scott Levin, Esq.
McElroy, Deutsch, Mulvaney & Carpenter,
1617 JFK Blvd., Suite 1500
Philadelphia, PA 19103-1815

Steel and Pipe Corporation
Attn: Bankruptcy Department
3709 Hawkins Avenue
Sanford, NC 27330-9519

Summit Coastal, PLLC
Attn: Bankruptcy Department
224 Windel Drive
Raleigh, NC 27609

Sunbelt Rentals
Attn: Bankruptcy Department
5701 Chapel Hill Road
Raleigh, NC 27607-5103

Todd Jones, Anderson Jones, PLLC
P. O. Box 20248
-
Raleigh, NC 27619-0248

Triad Equipment Inc.
Attn: Bankruptcy Department
13948 Capital Blvd
Wake Forest, NC 27587-6613

Troutman Sanders, LLP
Attn: Bankruptcy Department
305 Church at North Hills Ste 1200
Raleigh, NC 27609-2669

US Securities & Exchange
Attn: Manager or Agent
950 E. Paces Ferry Rd., NE Ste 900
Atlanta, GA 30326-1382

United Capital Funding Corp.
Attn: Bankruptcy Department
6000 Fairview Road, Suite 1200
Charlotte, NC 28210-2252

United Rentals, Inc.
Attn: Bankruptcy Department
100 First Stamford Place, Suite 700
Stamford, CT 06902-9200

United States Attorney
150 Fayetteville Street
Suite 2100
Raleigh, NC 27601-2959

Vulcan Materials Company
Attn: Teri Herron
4401 North Patterson Avenue
Winston-Salem, NC 27105-1638

Washington County Sanitation
Attn: County Manager/Attorney
PO Box 1007
Plymouth, NC 27962-1007

Watson Bowman Acme Corp.
Attn: Bankruptcy Department
95 Pineview Drive
Amherst, NY 14228-2166

William H. Kroll
1211 Wake Forest Road
Raleigh, NC 27604-1350

Brandon Scott Baxley
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Howard Stallings et al, P.A.
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Jeff Jackson
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Parkton, NC 28371-0272

Jonathan Keith
6279 Wrightsville Ave.
Wilmington, NC 28403-3803

~~Martha Baxley
c/o James Harsh and Bill Kroll
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Raleigh, NC 27602-0911~~

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Raleigh, NC 27617-4853

Ronald J. Antonelli
Ronald J. Antonelli, PC
101 Cosgrove Avenue, Sute 240
Chapel Hill, NC 27514-5276

Rudolph Baxley
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Southern Pines, NC 28387-6747

Rudolph Baxley
PO Box 2067
Southern Pines, NC 28388

Rudolph Baxley
PO Box 28655
Raleigh, NC 27611-8655

Ryan Ball
1213 Coldstream Court
Raleigh, NC 27615-4511

Ryan Ball
4805 Green Road, Suite 100
Raleigh, NC 27616-2848

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

~~Capital One N.A.
15000 Capital One Drive
Richmond, VA 23238~~

~~JPMorgan Chase Bank, N.A.
7610 W. Washington Street
Floor 1
Indianapolis, IN 46231~~

~~Accident Fund Insurance Company of America
200 N. Grand Ave
Lansing, MI 48901~~

~~Herc Rentals Inc.
Attn: Bankruptcy Department
1409 Capital Blvd
Raleigh, NC 27603~~

~~Navigator LLC
PO Box 1770
Raleigh, NC 27602-8027~~

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Allison Properties, Inc.

(u)Bankruptcy Administrator

(u)Country Boys Auction and Realty
Mike Gurkins